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Application Number	09/842,471
Filing Date	04/26/2001
First Named Inventor	Roger Abrams
Art Unit	2179
Examiner Name	Mylinh T. Tran
Attorney Docket Number	RPS920010007US1

ENCLOSURES (Check all that apply)

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Firm Name	Winstead Sechrest & Minick P.C.		
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- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Roger Kenneth Abrams	:	Mylinh T. Tran
Serial No.: 09/842,471	:	Group Art Unit: 2179
Filed: April 26, 2001	:	
Title: METHOD FOR IMPROVING	:	IBM Corporation
USAGE OF A GRAPHIC USER	:	Intellectual Property Law
INTERFACE POINTING DEVICE	:	3039 Cornwallis Road
	:	Research Triangle Park, NC 27709

REPLY BRIEF UNDER 37 C.F.R. §41.41

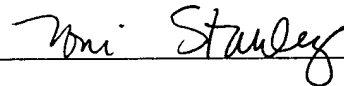
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Dear Sir:

This Reply Brief is being submitted in response to the Examiner's Answer dated November 18, 2005, with a two-month statutory period for response set to expire on January 18, 2006.

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 3, 2006.


Signature

Toni Stanley

(Printed name of person certifying)

I. RESPONSE TO EXAMINER'S ARGUMENTS

- A. Response to Examiner's argument that Robertson discloses "generating a set of motion vectors corresponding to said motion of said pointing cursor from said first source position to said first destination position" as recited in claim 1 and similarly in claims 17 and 33 as discussed on page 8 of Examiner's Answer.

The Examiner asserts that Robertson inherently discloses generating a source of motion vectors corresponding to the motion of the pointing cursor from a source position to a destination position. Examiner's Answer, page 8. The Examiner focuses on the fact that Robertson's system allegedly stores all the positions that the cursor moves to (column 1, line 43 – column 2, line 37) and then concludes that Robertson generates a set of vectors from all these positions even though there is no language in Robertson that teaches or suggests generating a set of vectors corresponding to the motion of the pointing cursor from the first source position to the first destination position. Examiner's Answer, page 8. Appellant respectfully traverses the assertion that Robertson inherently discloses the above-cited claim limitation.

As stated in Appellant's Appeal Brief, the Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses generating a set of motion vectors corresponding to the motion of the pointing cursor from a source position to a destination position. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses generating a set of motion vectors corresponding to the motion of the pointing cursor from a source position to a destination position, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999).

The Examiner's citation of column 1, line 43 – column 2, line 37 of Robertson does not provide such extrinsic evidence. Robertson teaches a first storage area that stores the position data corresponding to a first position of the cursor and a first screen display on the computer display. Column 1, lines 45-48. Robertson further discloses an

alteration means that alters the first screen display in some manner to generate a second screen display. Column 1, lines 48-49. Robertson further discloses a second screen display that is generated with the result of opening a computer window, enabling an application program, or selecting a menu item. Column 1, lines 50-52. Robertson further discloses a second storage area that stores the position data corresponding to at least the first intended position of the cursor in the second screen display. Column 1, lines 52-54. Robertson further discloses positioning means that position the cursor at the first location in the second screen display in response to the generating of the second screen display. Column 1, lines 55-57. Hence, Robertson discloses generating a first and a second screen display and storing position data of the cursor in each of the first and second screen displays. There is no language in column 1, line 43 – column 2, line 37 that supports the assertion that Robertson stores all the positions that the cursor passes through as alleged by the Examiner. Further, there is no language in the cited passage that would suggest to one skilled in the art that Robertson inherently discloses generating a set of motion vectors corresponding to the motion of the pointing cursor from a source position to a destination position. A key question that the Examiner has not answered is what purpose generating a set of motion vectors would serve when Robertson discloses an alteration means to alter the first screen display in some manner to generate a second screen display. The Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1, 17 and 33. M.P.E.P. §2131.

- B. Response to Examiner's argument that Robertson discloses "storing said set of motion vectors and said first destination position referenced to said first source position" as recited in claim 1 and similarly in claims 17 and 33 as discussed on page 10 of Examiner's Answer.

The Examiner, in addition to reiterating his argument presented in the final office action, focuses on the phrase "a second storage area stores the position data corresponding to at least the first intended position of the cursor", as recited in column 1, lines 52-54 of Robertson, as disclosing "storing said set of motion vectors and said first

destination position referenced to said first source position" as recited in claim 1 and similarly in claims 17 and 33. Examiner's Answer, page 10. However, the position data refers to the intended position of the cursor in terms of its X and Y coordinates. This is not the same as storing vectors. Neither does the cited passage disclose storing a destination position referenced to a source position. Hence, Robertson does not disclose all of the limitations of claims 1, 17 and 33, and thus Robertson does not anticipate claims 1, 17 and 33. M.P.E.P. §2131.

- C. Response to Examiner's argument that Robertson discloses "modifying a motion of said pointing cursor to more nearly follow ideal motion vectors from said first source position to said destination point icon " as recited in claim 4 and similarly in claims 20 and 35 as discussed on page 13 of Examiner's Answer.

The Examiner, in addition to the passages cited in the Examiner's Final Office Action, cites column 11, lines 8-50 of Robertson as disclosing "modifying a motion of said pointing cursor to more nearly follow ideal motion vectors from said first source position to said destination point icon" as recited in claim 4 and similarly in claims 20 and 35. Examiner's Answer, page 13. Appellant respectfully traverses and asserts that Robertson instead discloses that the system adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Column 11, lines 12-14. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Column 11, lines 16-19. Robertson further discloses that when the cursor is within the control region, the system determines the position of the cursor relative to a center point of the control and generates the correction signal in the form of a correction vector having X and Y coordinates that are added to the cursor control signals. Column 11, lines 19-24. Robertson further discloses that the correction vector causes the cursor to move toward the center point of the control whenever the cursor is within the control region. Hence, Robertson discloses adding a correction signal to the cursor control signals when the cursor is within the control region and not adding a correction signal to the cursor control signals when the cursor is outside the control region. By adding the

correction signal, the cursor is moved towards the center point of the control. This does not necessarily imply modifying a motion of a pointing cursor to more nearly follow ideal motion vectors. The Examiner has not explained the connection between moving a cursor towards the center point of the control and having a cursor more nearly follow ideal motion vectors. Neither is there any language in the cited passage that discloses modifying a motion of a pointing cursor to more nearly follow ideal motion vectors from a source position to a destination point icon. Hence, Robertson does not disclose all of the limitations of claims 4, 20 and 35, and thus Robertson does not anticipate claims 4, 20 and 35. M.P.E.P. §2131.

- D. Response to Examiner's argument that Robertson discloses "wherein another of said motion vectors is generated each time said motion starts from a motion stop" as recited in claim 9 and similarly in claims 25 and 39 as discussed on page 14 of Examiner's Answer.

The Examiner, in addition to the passages cited in the Examiner's Final Office Action, cites column 1, line 44 – column 2, line 36 of Robertson as disclosing "wherein another of said motion vectors is generated each time said motion starts from a motion stop" as recited in claim 9 and similarly in claims 25 and 39. Appellant respectfully traverses and asserts that Robertson instead discloses a first storage area that stores the position data corresponding to a first position of the cursor and a first screen display on the computer display. Column 1, lines 45-48. Robertson further discloses an alteration means that alters the first screen display in some manner to generate a second screen display. Column 1, lines 48-49. Robertson further discloses a second screen display that is generated with the result of opening a computer window, enabling an application program, or selecting a menu item. Column 1, lines 50-52. Robertson further discloses a second storage area that stores the position data corresponding to at least the first intended position of the cursor in the second screen display. Column 1, lines 52-54. Robertson further discloses positioning means that position the cursor at the first location in the second screen display in response to the generating of the second screen display. Column 1, lines 55-57. Hence, Robertson discloses generating a first and a second screen display and storing position data of the cursor in each of the first and second

screen displays. There is no language in the cited passage that discloses generating motion vectors. Neither is there any language in the cited passage that discloses generating motion vectors each time the motion starts from a motion stop. Thus, Robertson does not disclose all of the limitations of claims 9, 25 and 39, and thus Robertson does not anticipate claims 9, 25 and 39. M.P.E.P. §2131.

- E. Response to Examiner's argument that Robertson inherently discloses "wherein said motion vector comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction" as recited in claim 10 and similarly in claims 26 and 40 as discussed on page 14 of Examiner's Answer.

The Examiner asserts that Robertson inherently discloses "wherein said motion vector comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction" as recited in claim 10 and similarly in claims 26 and 40. Examiner's Answer, page 14. The Examiner states:

How can the system generate the motion vector without these parameters? Examiner's Answer, page 14.

The Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses a motion vector that comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses a motion vector that comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not provided any such objective evidence, the

Examiner has not presented a *prima facie* case of anticipation for rejecting claims 10, 26 and 40. M.P.E.P. §2131.

Furthermore, with respect to the Examiner's statement regarding how can the system generate the motion vector without these parameters, the Examiner must first show that Robertson inherently generates a motion vector. The Examiner has not provided any evidence to show that Robertson inherently generates a motion vector. Neither has the Examiner shown that Robertson inherently generates a motion vector using a pointing cursor average velocity, starting position, stopping position, and motion direction. Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 10, 26 and 40. M.P.E.P. §2131.

- F. Response to Examiner's argument that Robertson discloses "wherein said set of motion vectors are stored in response to actuating said destination point icon" as recited in claim 11 and similarly in claims 27 and 41 as discussed on pages 14-15 of Examiner's Answer.

The Examiner, in addition to the passages cited in the Examiner's Final Office Action, cites column 1, line 44 – column 2, line 36 of Robertson as disclosing "wherein said set of motion vectors are stored in response to actuating said destination point icon" as recited in claim 11 and similarly in claims 27 and 41. Appellant respectfully traverses and asserts that Robertson instead discloses a first storage area that stores the position data corresponding to a first position of the cursor and a first screen display on the computer display. Column 1, lines 45-48. Robertson further discloses an alteration means that alters the first screen display in some manner to generate a second screen display. Column 1, lines 48-49. Robertson further discloses a second screen display that is generated with the result of opening a computer window, enabling an application program, or selecting a menu item. Column 1, lines 50-52. Robertson further discloses a second storage area that stores the position data corresponding to at least the first intended position of the cursor in the second screen display. Column 1, lines 52-54. Robertson further discloses positioning means that position the cursor at the first location

in the second screen display in response to the generating of the second screen display. Column 1, lines 55-57. Hence, Robertson discloses generating a first and a second screen display and storing position data of the cursor in each of the first and second screen displays. As stated above, there is no language in the cited passage that discloses generating motion vectors. Neither is there any language in the cited passage that discloses storing a set of motion vectors. Neither is there any language in the cited passage that discloses storing a set of motion vectors in response to actuating the destination point icon. Thus, Robertson does not disclose all of the limitations of claims 11, 27 and 41, and thus Robertson does not anticipate claims 11, 27 and 41. M.P.E.P. §2131.

- G. Response to Examiner's argument that Robertson discloses "wherein said second source position corresponds to a position of a source point icon" as recited in claim 13 and similarly in claims 29 and 43 as discussed on page 16 of Examiner's Answer.

The Examiner, in addition to the passages cited in the Examiner's Final Office Action, cites Figure 3B of Robertson as disclosing "wherein said second source position corresponds to a position of a source point icon" as recited in claim 13 and similarly in claims 29 and 43. Upon review of Figure 3B and the description of Figure 3B, Appellant did not identify any element or language that discloses a second source position that corresponds to a position of a source point icon. Thus, Robertson does not disclose all of the limitations of claims 13, 29 and 43, and thus Robertson does not anticipate claims 13, 29 and 43. M.P.E.P. §2131.

- H. Response to Examiner's argument that Robertson discloses "wherein said motion of said pointing cursor proceeds from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined" as recited in claim 16 and similarly in claims 32 and 46 as discussed on pages 16-17 of Examiner's Answer.

The Examiner, in addition to the passages cited in the Examiner's Final Office Action, cites column 11, lines 8-50 of Robertson as disclosing "wherein said motion of

said pointing cursor proceeds from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined" as recited in claim 16 and similarly in claims 32 and 46. Appellant respectfully traverses and asserts that Robertson instead discloses that the system adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Column 11, lines 12-14. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Column 11, lines 16-19. Robertson further discloses that when the cursor is within the control region, the system determines the position of the cursor relative to a center point of the control and generates the correction signal in the form of a correction vector having X and Y coordinates that are added to the cursor control signals. Column 11, lines 19-24. Robertson further discloses that the correction vector causes the cursor to move toward the center point of the control whenever the cursor is within the control region. Hence, Robertson discloses adding a correction signal to the cursor control signals when the cursor is within the control region and not adding a correction signal to the cursor control signals when the cursor is outside the control region. By adding the correction signal, the cursor is moved towards the center point of the control. This does not necessarily imply a motion of a pointing cursor corresponding to an ideal motion vector. The Examiner has not explained the connection between moving a cursor towards the center point of the control and having a motion of a pointing cursor corresponding to an ideal motion vector. Neither is there any language in the cited passage that discloses a motion of a pointing cursor proceeding from a first source position to a destination point icon corresponding to an ideal motion vector. Neither is there any language in the cited passage that discloses a motion of a pointing cursor proceeding from a first source position to a destination point icon corresponding to an ideal motion vector where the ideal motion vector motion changed only if a new destination point icon is determined. Hence, Robertson does not disclose all of the limitations of claims 16, 32 and 46, and thus Robertson does not anticipate claims 16, 32 and 46. M.P.E.P. §2131.

I. Other matters raised by the Examiner.

All other matters raised by the Examiner have been adequately addressed above and in Appellant's Appeal Brief and therefore will not be addressed herein for the sake of brevity.

II. CONCLUSION

For the reasons stated above and in Appellant's Appeal Brief, Appellant respectfully asserts that the rejections of claims 1-55 are in error. Appellant respectfully requests reversal of the rejections and allowance of claims 1-55.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Appellant

By: 

Robert A. Voigt, Jr.

Reg. No. 47,159

Kelly K. Kordzik

Reg. No. 36,571

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2832

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